



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set a Public Hearing for June 6, 2001 to consider an appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for his property located at 225 N. Rush Street, Lodi.

**MEETING DATE:** May 16, 2001

**PREPARED BY:** Community Development Director

---

**RECOMMENDED ACTION:** That the City Council set a Public Hearing for June 6, 2001, to consider an appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for his property at 225 N. Rush Street, Lodi, California.

**BACKGROUND INFORMATION:** Mr. Ogren is the owner of record for the property located at 225 N. Rush Street, a residential rental property which contains four dwelling units. In response to a complaint of substandard conditions, code enforcement personnel from the Community Improvement Division have inspected those dwelling units and found conditions which caused the issuance of several Notice and Order to Repair and Notice and Order to Vacate, requiring that specific actions be taken to correct substandard and hazardous building conditions.

Mr. Ogren contends that several of the ordered repairs or corrections in those Notices are not necessary and that he should be allowed to make only those repairs that he feels are needed and then be allowed to reoccupy the dwelling units. Mr. Ogren's appeal to the City Council as our Board of Appeals is in accordance with the requirements of the Uniform Housing Code and Lodi Municipal Code.

**FUNDING:** No funding required.

Konradt Bartlam  
Community Development Director

Prepared by Joseph Wood, Community Improvement Manager

KB/jw

c: Randy Hays, City Attorney  
Greg Goehring, Attorney at Law

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** PUBLIC HEARING TO CONSIDER APPEAL FROM WAYNE OGREN REGARDING  
NOTICE AND ORDER TO REPAIR AND NOTICE AND ORDER TO VACATE ISSUED  
FOR HIS PROPERTY LOCATED AT 225 N. RUSH STREET

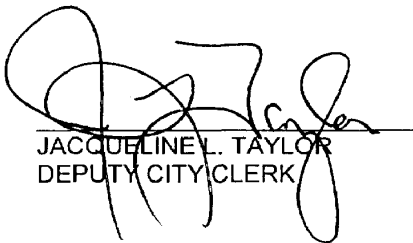
**PUBLISH DATE(s):** SATURDAY, MAY 19, 2001

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** MAY 17, 2001

**ORDERED BY:**

  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper - Copy to File**

*Hand delivered 5/17/01*

Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
Sharon \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ Jac \_\_\_\_\_ Jen (initials)



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: June 6, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Wednesday, June 6, 2001 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) an appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for his property at 225 N. Rush Street, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: May 16 2001

Approved as to form:

Randall A. Hays  
City Attorney



## **DECLARATION OF POSTING**

On Thursday, May 17, 2001 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing for June 6, 2001 to consider appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for his property located at 225 N. Rush Street, (attached hereto, marked Exhibit "A") was posted at the following three locations:

Lodi Public Library  
Lodi Police Public Safety Building  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2001, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

A handwritten signature in black ink, appearing to read "Jacqueline L. Taylor", is written over a horizontal line.

Jacqueline L. Taylor  
Deputy City Clerk

---

Jennifer M. Perrin  
Deputy City Clerk



## **DECLARATION OF MAILING**

### **Public Hearing for June 6, 2001 to Consider an Appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate Issued for His Property at 225 N. Rush Street**

On May 17, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

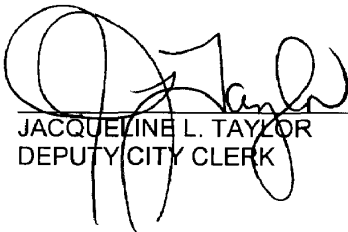
I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

  
\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

May 17, 2001

MAILED CERTIFIED MAIL (See #s below)  
AND REGULAR MAIL DELIVERY

Gregory P. Goehring – Attorney at Law  
CERTIFIED MAIL #7 355 131 670  
431 S. Ham Lane, Ste. A-2  
Lodi, CA 95242

Mr. Wayne Ogren  
CERTIFIED MAIL #Z 355 131 718  
P.O. Box 1344  
Lodi, CA 95241

**RE: PUBLIC HEARING FOR JUNE 6, 2001 TO CONSIDER AN APPEAL FROM  
WAYNE OGREN REGARDING NOTICE AND ORDER TO REPAIR AND  
NOTICE AND ORDER TO VACATE ISSUED FOR HIS PROPERTY LOCATED  
AT 225 N. RUSH STREET, LODI**

---

This letter is to notify you that a Public Hearing will be held by the City Council on **June 6, 2001**, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

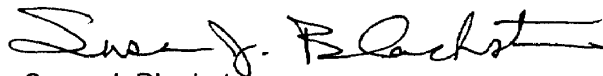
This hearing is being held to consider your appeal regarding the Notice and Order to Repair and the Notice and Order to Vacate issued for your property located at 225 N. Rush Street, Lodi.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

Should you have any questions, please contact Community Improvement Manager Joseph Wood in the Community Development Department at (209) 333-6823.

Sincerely,

  
Susan J. Blackston  
City Clerk

SJB/jmp

Enclosures

cc: Community Development Director

pubhear/notices/LappealLtr.doc

## **Mailing List for Wayne Ogren Public Hearing**

**Gregory P. Goehring - Attorney at Law  
431 S. Ham Lane Su. A-2  
Lodi, CA 95242**

**Wayne Ogren  
P.O. Box 1344  
Lodi, CA 95241**

COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION FOR APPEAL  
BEFORE THE LODI CITY COUNCIL

SUBJECT ADDRESS OF APPEAL:

225 N. RUSH ST.

NAME(S) AND OFFICIAL MAILING ADDRESS(ES) OF APPELLANT(S):

WAYNE OGREN

PO BOX 1344

LODI CA 95241

☐ Additional Names Attached

BRIEF STATEMENT OF INTEREST IN THE SUBJECT ADDRESS:

OWNER.

☐ Continued On Additional Page

BRIEF STATEMENT OF THE ORDER OR ACTION PROTESTED, TOGETHER WITH ANY MATERIAL FACTS CLAIMED TO SUPPORT THE CONTENTION OF THE APPELLANT(S):

RESERVE ALL RIGHTS AND APPEAL ALL  
MATTERS COMPLAINED OF BY THE CITY OF LODI  
NOTICE AND ORDER TO VACATE ON 225 RUSH ST.

☐ Continued On Additional Page

BRIEF STATEMENT OF THE RELIEF SOUGHT AND THE REASONS WHY IT IS CLAIMED THE PROTESTED ORDER OR ACTION SHOULD BE REVERSED, MODIFIED OR OTHERWISE SET ASIDE:

RESERVE ALL RIGHTS AND APPEAL ALL  
MATTERS COMPLAINED OF BY THE CITY OF LODI  
RELATING TO NOTICE AND ORDER TO VACATE ON  
225 RUSH ST.

☐ Continued On Additional Page

I, WAYNE OGREN, DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR APPEAL IS TRUE AND CORRECT.

Wayne Ogren  
SIGNATURE

12-14-00  
DATE

SIGNATURES OF ALL PARTIES NAMED AS APPELLANTS:

Wayne Ogren

ACCEPTED BY:

Sharon Stumpert

DATE:

12/14/00

TIME:

4:40 PM

\$250.00 FEE PAID:

\$250.00

CHECK NO.:

4127

FEE WAIVED:



**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

..... May 19, .....

all in the year 2001.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this ....19.... day of

..... May ....., 2001

*Sharon E Jackson*  
.....  
Signature

SHaron Jackson

This space is for the County Clerk's Filing Stamp

RECEIVED

MAY 23 2001

City Clerk  
City of Lodi

**Proof of Publication of**

**NOTICE OF PUBLIC HEARING**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Wednesday, June 6, 2001 at the hour of 7:00 p.m., or as soon hereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) an appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for his property at 225 N. Rush Street, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:  
Susan J. Blackston  
City Clerk

Dated: May 16 2001

Approved as to form:  
Randall A. Hays  
City Attorney  
May 19, 2001

— 3366

**PROOF OF PUBLICATION**